

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)
Plaintiff,) NO. CR-08-2018-RHW-1
v.) ORDER DENYING MOTION FOR
FRANCISCO ALMAGUER,) RECONSIDERATION OF BAIL
Defendant.) **(CT REC 83)**

On September 2, 2008, this court held a bail review hearing. Jane Kirk appeared for the government and the defendant was present with counsel Adolfo Banda.

The defendant moved the court to reconsider detention and requested the release of defendant on conditions stating there are conditions which would assure defendant's appearance as required and community safety.

The government argued there are no conditions which justify reconsidering the issue of bail.

The Court considered defendant's significant criminal history and gave great weight to the fact that previously while on supervised release defendant was involved in criminal activity. Additionally, defendant is under indictment in the District of Oregon which has not been resolved.

The Court finds that the United States has met its burden of showing that the Defendant is a flight risk by a preponderance of the evidence and that the Defendant has not overcome the presumption of detention in this case. Additionally, the United

1 States has demonstrated by clear and convincing evidence that the
2 Defendant poses a risk of danger to the community in view of the
3 pending allegations having been allegedly committed while
4 Defendant was on supervised release. Defendant was not able to
5 propose a release plan acceptable to the Court since the property
6 Defendant wished to use as security is subject to forfeiture in
7 the matter pending in the District of Oregon.

8 The Court **denied** defendant's motion for reconsideration (**Ct**
9 **Rec. 83)**.

10 **IT IS SO ORDERED.**

11 DATED this 2nd day of September, 2008.

12
13 s/ James P. Hutton

14 JAMES P. HUTTON

15 United States Magistrate Judge

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